

1 AN ACT concerning public employees.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 3-6 and 3-7 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which
8 a prosecution must be commenced under the provisions of
9 Section 3-5 or other applicable statute is extended under the
10 following conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after
19 the discovery of the offense by an aggrieved person, or
20 by a person who has legal capacity to represent an
21 aggrieved person or has a legal duty to report the
22 offense, and is not himself or herself a party to the
23 offense; or in the absence of such discovery, within one
24 year after the proper prosecuting officer becomes aware
25 of the offense. However, in no such case is the period of
26 limitation so extended more than 3 years beyond the
27 expiration of the period otherwise applicable.

28 (b) A prosecution for any offense based upon misconduct
29 in office by a public officer or employee may be commenced
30 within one year after discovery of the offense by a person
31 having a legal duty to report such offense, or in the absence

1 of such discovery, within one year after the proper
2 prosecuting officer becomes aware of the offense. However, in
3 no such case is the period of limitation so extended more
4 than 6 3 years beyond the expiration of the period otherwise
5 applicable.

6 (c) Except as otherwise provided in subsection (a) of
7 Section 3-5 of this Code and subdivision (i) or (j) of this
8 Section, a prosecution for any offense involving sexual
9 conduct or sexual penetration, as defined in Section 12-12 of
10 this Code, where the victim and defendant are family members,
11 as defined in Section 12-12 of this Code, may be commenced
12 within one year of the victim attaining the age of 18 years.

13 (d) A prosecution for child pornography, indecent
14 solicitation of a child, soliciting for a juvenile
15 prostitute, juvenile pimping or exploitation of a child may
16 be commenced within one year of the victim attaining the age
17 of 18 years. However, in no such case shall the time period
18 for prosecution expire sooner than 3 years after the
19 commission of the offense. When the victim is under 18 years
20 of age, a prosecution for criminal sexual abuse may be
21 commenced within one year of the victim attaining the age of
22 18 years. However, in no such case shall the time period for
23 prosecution expire sooner than 3 years after the commission
24 of the offense.

25 (e) Except as otherwise provided in subdivision (j), a
26 prosecution for any offense involving sexual conduct or
27 sexual penetration, as defined in Section 12-12 of this Code,
28 where the defendant was within a professional or fiduciary
29 relationship or a purported professional or fiduciary
30 relationship with the victim at the time of the commission of
31 the offense may be commenced within one year after the
32 discovery of the offense by the victim.

33 (f) A prosecution for any offense set forth in Section
34 44 of the "Environmental Protection Act", approved June 29,

1 1970, as amended, may be commenced within 5 years after the
2 discovery of such an offense by a person or agency having the
3 legal duty to report the offense or in the absence of such
4 discovery, within 5 years after the proper prosecuting
5 officer becomes aware of the offense.

6 (g) (Blank).

7 (h) (Blank).

8 (i) Except as otherwise provided in subdivision (j), a
9 prosecution for criminal sexual assault, aggravated criminal
10 sexual assault, or aggravated criminal sexual abuse may be
11 commenced within 10 years of the commission of the offense if
12 the victim reported the offense to law enforcement
13 authorities within 2 years after the commission of the
14 offense.

15 Nothing in this subdivision (i) shall be construed to
16 shorten a period within which a prosecution must be commenced
17 under any other provision of this Section.

18 (j) When the victim is under 18 years of age at the time
19 of the offense, a prosecution for criminal sexual assault,
20 aggravated criminal sexual assault, predatory criminal sexual
21 assault of a child, or aggravated criminal sexual abuse or a
22 prosecution for failure of a person who is required to report
23 an alleged or suspected commission of any of these offenses
24 under the Abused and Neglected Child Reporting Act may be
25 commenced within 10 years after the child victim attains 18
26 years of age.

27 Nothing in this subdivision (j) shall be construed to
28 shorten a period within which a prosecution must be commenced
29 under any other provision of this Section.

30 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;
31 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

32 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

33 Sec. 3-7. Periods excluded from limitation.

1 The period within which a prosecution must be commenced
2 does not include any period in which:

3 (a) The defendant is not usually and publicly resident
4 within this State; or

5 (b) The defendant is a public officer or employee and
6 the offense charged is theft of public funds while in public
7 office; or

8 (c) A prosecution is pending against the defendant for
9 the same conduct, even if the indictment or information which
10 commences the prosecution is quashed or the proceedings
11 thereon are set aside, or are reversed on appeal; or

12 (d) A proceeding or an appeal from a proceeding relating
13 to the quashing or enforcement of a Grand Jury subpoena
14 issued in connection with an investigation of a violation of
15 a criminal law of this State is pending. However, the period
16 within which a prosecution must be commenced includes any
17 period in which the State brings a proceeding or an appeal
18 from a proceeding specified in this subsection (d).

19 (Source: P.A. 91-231, eff. 1-1-00.)